



**An
Bord
Pleanála**

**Board Direction
BD-012513-23
ABP-313667-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/06/2023.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) European, national, regional and county level support for renewable energy development including:
 - (i) The Climate Action Plan 2023,
 - (ii) the Project Ireland 2040 National Planning Framework,
 - (iii) the Regional Spatial and Economic Strategy for the Southern Region,
 - (iv) the Limerick City and County Development Plan 2022-2028, as adopted by Limerick City and County Council,
- (b) the nature, scale, and extent of the proposed development,
- (c) the documentation submitted with the planning application, including the Natura Impact Statement, Planning and Environmental Report, Construction and Environment Management Plan, Ecological Impact Assessment, Aquatic

Ecological Impact Assessment, Flood Risk Assessment, Glint and Glare Assessment, Landscape and Visual Assessment, Landscape Management Plan, and Archaeological Assessment,

- (d) the nature of the landscape and its capacity to visually accommodate the proposed development without significant adverse effects,
- (e) the mitigation measures proposed for the construction, and operation of the site and subject works,
- (f) the submissions and observations on file including those from prescribed bodies, the local authority and other third parties,
- (g) the location of the proposed development within an ecologically robust landscape,
- (h) the ongoing selection and assessment process for the N24 Cahir to Limerick Junction Road scheme,
- (i) the separation distances between the proposed development and dwellings or other sensitive receptors,
- (j) the planned solar farm development (An Bord Pleanála reference ABP-312712-22 refers),
- (k) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the absence of likely significant effects of the proposed development on European Sites, and
- (l) the report of the Inspector.

Appropriate Assessment: Stage 1

The Board considered the Screening Report for Appropriate Assessment and all other relevant submissions and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale, and location of the proposed development, as well as

the report of the Inspector. The Board agreed generally with the screening report submitted with the application and with the screening exercise carried out by the Inspector. The Board concluded that, having regard to the qualifying interests for which the sites were designated and in the absence of connections to, and distance between, the application site and the European Sites; the Lower River Suir Special Area of Conservation (Site Code: 002137), Moanour Mountain Special Area of Conservation (Site Code: 002257), Anglesey Road Special Area of Conservation (Site Code: 002125), Slievefelim to Silvermines Mountains Special Protection Area (Site Code: 004165), Philipston Marsh Special Area of Conservation (Site Code: 001847), Clare Glen Special Area of Conservation (Site Code: 000930), Glenstal Wood Special Area of Conservation (Site Code: 001432) and River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 004077) could be screened out from the further consideration and that the proposed development, individually or in combination with other plans or projects would not be likely to have significant effects on these European Sites or any other European Sites, other than the Lower River Shannon Special Area of Conservation (Site Code: 002165), where there is a likelihood of significant effects, in view of the sites' conservation objectives.

Appropriate Assessment: Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for the Lower River Shannon Special Area of Conservation (Site Code: 002165) in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment as well as the report of the Inspector.

In completing the assessment, the Board considered the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, the mitigation measures which are included as part of the current proposal and the conservation objectives for this European Site. In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's conservation objectives. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity

of the Lower River Shannon Special Area of Conservation (Site Code: 002165) or any other European Site in view of the site's conservation objectives.

Proper Planning and Sustainable Development and Likely Significant Effects on the Environment

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European, national and regional renewable energy policies and with the provisions of the Limerick City and County Development Plan 2022-2028, would not seriously injure the visual or residential amenities of the area or otherwise of property in the vicinity or have an unacceptable impact on the character of the landscape or on cultural or archaeological heritage, would not have a significant adverse impact on ecology, would be acceptable in terms of traffic safety, public health and would make a positive contribution to Ireland's renewable energy and security of energy supply requirements. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 6th day of October 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the undertaker shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity and of proper planning and sustainable development of the area.

2. The period during which the proposed development hereby permitted may be carried out shall be 10 years from the date of this Order.

Reason: In the interest of clarity and having regard to the scale and nature of the proposed development.

3. (a) All of the environmental, construction, ecological and heritage-related mitigation measures, as set out in the Planning and Environmental Report, the Natura Impact Statement, the Ecological Impact Assessment, Aquatic Ecological Impact Assessment and the Construction and Environmental Management Plan, and other particulars submitted with the application, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.
- (b) Prior to commencement of development an updated badger survey shall be undertaken, in the event of badger sett(s) being identified appropriate mitigation and avoidance will be agreed in writing with the planning authority.
- (c) There shall be no felling or scrub clearance within the bird nesting season (1st March to 31st August).
- (d) A finalised Invasive Species Management plan detailing the methodology of control of Invasives and monitoring to be agreed with the planning authority prior to commencement of development.

Reason: In the interests of clarity and of the protection of the environment during the construction and operational phases of the development

4. (a) Lighting shall be provided in accordance with a scheme, the details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All lighting within the site shall be cowled to prevent overspill outside the site, shall be designed to minimise impacts on wildlife, and be manually controlled as set out within the application documentation.

- (b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
- (c) Cables within the site shall be located underground unless otherwise agreed with the planning authority.
- (d) Details of the materials, colours, and textures of all the external finishes, to the development (including fencing) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of clarity and of visual and residential amenity.

- 5. (a) All mitigation measures in relation to archaeology as set out in the archaeological assessment submitted with the application documentation shall be implemented in full, except as may otherwise be required in order to comply with other conditions here specified.
- (b) The undertaker shall engage a suitably qualified archaeologist to carry out an Archaeological Impact Assessment (AIA) in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance, and/or construction works. The AIA shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/ photographic research and fieldwork, the latter to include, geophysical survey and archaeological testing (consent/licensed as required under the National Monuments Acts), in particular in relation to field numbers 25, 27, 28, and 29 (as referenced in the application archaeological assessment). The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological

remains shall be included in the AIA. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the undertaker.

- (c) The undertaker shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, and/ or the implementation of agreed preservation in-situ measures associated with the development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation [preservation in-situ/excavation]. The undertaker shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the undertaker.

Reason: To ensure the continued preservation either in-situ or by record of sites, features, or other objects of archaeological interest.

6. (a) All existing hedgerows (except at access track openings and proposed watercourse crossings) shall be retained and allowed to grow out prior to construction notwithstanding any exemptions available and new planting undertaken in accordance with the plans submitted with the application.
- (b) All landscaping shall be planted in accordance with the details received and as augmented by updated details received by An Bord Pleanála on the 6th day of October 2022 to the written satisfaction of the planning authority as part of the first phase of development. Any trees or hedgerow that are removed, die, or become damaged or diseased during the operative period of the solar farm as set out by this permission, shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.
- (c) Landscaping and planting will not interfere with the sight line and stopping distances shown at vehicular entrance to the site on the plans and particulars received by An Bord Pleanála on the 6th day of October 2022.

Reason: In the interests of biodiversity, the visual amenities of the area, and the residential amenities of property in the vicinity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including but not limited to, hours of working, noise and dust management measures, surface water management proposals, the management of construction traffic and off-site disposal of construction waste.

Reason: In the interests of public safety, residential amenity and protection of the environment.

8. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:
- (i) An LAeqT value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. [The T value shall be one hour].
 - (ii) An LAeqT value of dB(A) at any other time. [The T value shall be 15 minutes]. The noise at such time shall not contain a tonal component. At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

Reason: To protect the amenities of property in the vicinity of the site.

9. No instream works shall be carried out from October 1st to June 30th, fish removal will take place within cofferdams prior to dewatering and Inland Fisheries Ireland to be notified in advance of any works. The Ecological Clerk of Works will ensure all mitigation detailed in application documentation relative to watercourse crossings are employed and watercourse crossings shall not lose material to the rivers.

Reason: In the interest of environmental protection.

10. The undertaker shall appoint a suitably qualified ecologist to monitor and ensure that all avoidance/mitigation measures relating to the protection of flora and fauna are carried out in accordance with best ecological practice and to liaise with consultants, the site contractor, the National Parks and Wildlife Service and Inland Fisheries Ireland. A report on the implementation of these measures shall be submitted to the planning authority and retained on file as a matter of public record.

Reason: To protect the environmental and natural heritage of the area.

11. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

12. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the local authority for such works and services.

Reason: In the interest of public health.

13. All road surfaces, culverts, watercourses, verges, and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority at the undertaker's expense. Prior to commencement of development, a road condition survey shall be carried out to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to ensure a satisfactory standard of development.

14. Prior to commencement of development, the undertaker shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site on cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the undertaker or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

Board Member

Patricia Callear
Patricia Callear

Date: 20/06/2023

